

FILED BY D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

DARRYL WILLIAMS,

Plaintiff,

v.

**THE CITY OF MEMPHIS,
OFFICER VANCE STACKS,
and OTHER JOHN DOE OFFICERS,**

Defendants.

No. 04-2976 M1/P

ORDER DENYING MOTION TO DISMISS OF DEFENDANT CITY OF MEMPHIS AS
MOOT

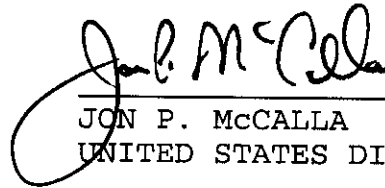
Before the Court is the Motion To Dismiss of Defendant City of Memphis, filed February 4, 2005. Plaintiff responded in opposition on March 25, 2005. Plaintiff also filed an Amended Complaint on the same date. Defendant City of Memphis filed a motion to dismiss the Amended Complaint on April 25, 2005. Plaintiff responded in opposition on July 18, 2005.

In its motion to dismiss the Amended Complaint, Defendant relied upon the arguments presented in its February 4, 2005, motion. Because Plaintiff filed an Amended Complaint, Defendant's February 4, 2005, motion to dismiss is DENIED as moot. However, because Defendant, in its motion to dismiss the Amended Complaint, relied upon the arguments made in its original motion to dismiss, the Court will consider the arguments presented in the February 4, 2005, motion in deciding Defendant's

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motion to dismiss the Amended Complaint.

IT IS SO ORDERED this 21 day of July, 2005.



JON P. MCCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:04-CV-02976 was distributed by fax, mail, or direct printing on July 21, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT